

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GEORGOS DIAMANTOPOULOS,)	8:11CV431
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STATE OF NEBRASKA,)	
)	
Respondent.)	

This matter is before the court on its own motion. Petitioner Georgos Diamantopoulos (“Petitioner”) filed a Petition for Writ of Habeas Corpus on December 13, 2011. (Filing No. 1.) This is Petitioner’s ninth [28 U.S.C. § 2254](#) petition for writ of habeas corpus filed in this court relating to the same conviction and sentence.¹ Recently, on February 14, 2012, this court dismissed Petitioner’s eighth § 2254 petition as successive pursuant to [28 U.S.C. 2244\(b\)\(3\)\(A\)](#). (Case No. 8:11cv406, Filing No. 8.)

¹ See *Diamantopoulos v. Nebraska, et al.*, 8:11cv406 (Urbom, J.) (dismissing Petitioner’s eighth § 2254 petition on February 14, 2012, as successive pursuant to [28 U.S.C. 2244\(b\)\(3\)\(A\)](#)); *Diamantopoulos v. Venditte et al.*, 4:10cv3079 (Smith Camp, J.) (dismissing Petitioner’s seventh § 2254 petition on June 2, 2010, as successive pursuant to [28 U.S.C. 2244\(b\)\(3\)\(A\)](#)); *Diamantopoulos v. Nebraska*, 4:07cv3191 (Strom, J.) (dismissing Petitioner’s sixth § 2254 petition on December 10, 2007, as a successive petition pursuant to [28 U.S.C. 2244\(b\)\(3\)\(A\)](#)); *Diamantopoulos v. Clarke*, 4:01cv3287 (Kopf, J.) (dismissing Petitioner’s fifth § 2254 petition on September 3, 2002, as a successive pursuant to [28 U.S.C. 2244\(b\)\(3\)\(A\)](#)); *Diamantopoulos v. Nebraska Dep’t of Corr., et al.*, 4:98cv3262 (Urbom, J.) (dismissing Petitioner’s fourth § 2254 petition on October 14, 1998, as a successive petition pursuant to [28 U.S.C. § 2244\(b\)\(3\)\(A\)](#)); *Rehbein v. Clarke*, [94 F.3d 478 \(8th Cir. 1996\)](#), *aff’g* [855 F. Supp. 1066 \(D. Neb. 1994\)](#) (affirming dismissal of Petitioner’s third petition for writ of habeas corpus under principles concerning “abuse of the writ” before enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”)).

The court has carefully reviewed the record in this matter and in Petitioner's previous habeas corpus proceedings. For the reasons set forth in the court's February 14, 2012, Memorandum and Order in Case Number 8:11CV406 (Filing No. [8](#)), the court finds that this Petition is clearly successive and must be dismissed. That is, Petitioner's previous petitions raise claims and argument similar to those raised here, and Petitioner does not raise any new arguments or allege any new facts that demonstrate that he is innocent of the underlying offense. Further, Petitioner does not assert, nor does the record show, that he sought or received permission from the United States Court of Appeals for the Eighth Circuit to file a successive petition.

IT IS THEREFORE ORDERED that:

1. The Petition for Writ of Habeas Corpus (Filing No. [1](#)) is dismissed without prejudice to reassertion of a subsequent petition upon certification by the Eighth Circuit Court of Appeals. A separate judgment will be entered in accordance with this Memorandum and Order.

2. All pending motions are denied as moot.

DATED this 22nd day of February, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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